

BRECKLAND COUNCIL - 011/ BDC
DELEGATED DECISION AUTHORISATION RECORD (Blue Form)

PORTFOLIO:	Growth		
REPORT TITLE:	Saham Toney Neighbourhood Plan Regulation 16 consultation comments and legal check		
AUTHOR:	Susan Heinrich – Neighbourhood Planning Coordinator		
URGENCY - Delete as appropriate:	None – 5-day Scrutiny Delay	URGENT – <i>sign form overleaf</i>	
	CHECKLIST – Please Tick		KEY DECISION – Tick as appropriate
1.	Financial Report Considered and/or Proforma B included		This IS NOT a Key Decision X
2.	VAT Implications have been considered		This IS a Key Decision already included in Forward Plan
3.	Legal Advice included		This IS a Key Decision NOT in Forward Plan, BUT PUBLICISED FIVE DAYS PREVIOUSLY or agreed by Chairman of Overview & Scrutiny Commission – Form over
4.	Within Policy Framework		
5.	Risk Assessment statement included.		
6.	Crime & Disorder, Equalities, Human Rights, S40 Environment and other assessments are addressed in the report		Delegation under:
CONFIDENTIALITY: Delete as appropriate	No confidential or exempt information to be excluded from the Press and Public		
Decision: Wording For Decision Record			
ACTION AGREED	<p>1) To submit Breckland Council’s comments as attached in Appendix A under Regulation 16 of The Neighbourhood Planning (General) Regulations 2012 as the Council’s response to the Submission version of the Saham Toney Neighbourhood Plan;</p> <p>2) To confirm that Saham Toney Neighbourhood Plan meets the requirements of the 1990 Town and Country Planning Act schedule 4B, section 6 and advise Saham Toney Parish Council to this effect.</p>		
REASON(S)	To meet the requirements of the above legislation.		
Signatures: Authority for Action			
Chief Officer Comments:	Recommendation: Email authorisations available on request Signature and date		
1.	I agree the above decision as a matter falling within my delegated powers. Executive Member: Date:		
2.	Does this have political sensitivity or strategic importance? NO If Yes: Leader (Please delete * as appropriate): *I agree above decision/*Refer to Cabinet Signed: Date:		

Additional Options Considered and/or Reasons for Decision

Submission of Regulation 15 Documents

- 1.1 Saham Toney Parish Council has submitted all the required documents to Breckland Council, as outlined by Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.2 These include the following:
- The Neighbourhood Plan;
 - An area map, which shows the area the Neighbourhood Plan covers;
 - A Consultation Statement outlining who and how the consultation has occurred, what where the main issues and how they have been addressed in the Plan; and
 - A Conditions Statement summarising how it meets the requirements of paragraph 8 of Schedule 4B of the 1990 Town and Country Planning Act. This covers taking account of national policy and guidance; attaining sustainable development; is in general conformity with the strategic policies of the Local Development Framework; meets EU commitments and the regulations have been met.
 - Environmental Assessment for both the Strategic Environmental Assessment and Habitats Regulation Assessment

Regulation 16 Neighbourhood Plan publicising

- 1.3 Having been submitted, the Saham Toney Neighbourhood Plan was required to be publicised in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended), as well as the provisions of the Localism Act 2011.
- 1.4 These regulations include publicising on the Breckland website details about the plan, where they can be seen, how to make representations (comments) on the plan and allow for at least six weeks consultation.
- 1.5 Consultation on the Saham Toney Neighbourhood Plan started on the 29th October 2020 and closed on the 10th December 2020. Copies of the Plan were made available to view by calling the Council's Offices at Elizabeth House, Dereham to request a paper copyies.
- 1.6 The Saham Toney Neighbourhood Plan contains a range of policies designed to address issues in the Saham Toney plan area. The Neighbourhood Plan includes policies on Services, Facilities & Infrastructure, Residential (including Affordable Housing and Housing mix), and non-residential development, Masterplanning and Housing allocation sites, Design, a Rural Gap, Heritage Assets, Landscape and Key Views, Biodiversity and Habitats (including specific areas such as Local Green Space and Trees & Hedges) as well as Water Management, Sustainable Drainage and Sewerage. The policies should be in general conformity with the Strategic Policies of the Local Plan and may add more locally specific detail.

Comments on the Plan

- 1.7 The production of the plan is welcomed. However, it is important for Breckland Council to provide detailed comments to Saham Toney Parish Council at this stage to establish the extent that previous comments have been taken account of and to establish any new issues arising as a result of (any) new or amended policies included in this version of the plan.
- 1.8 Officers have made a number of comments and these are attached in Appendix A. In reviewing the document, there are still a number of key issues which the Council has previously raised that have not been addressed and in some cases do not confirm to Council policy. This includes; the phasing of sites, particularly minor ones; allocated housing sites and lacking the lack of flexibility over the amount, including potentially restrictive policy and lacking clarity whether they are deliverable or developable. Also, with regards to the Council's Housing's Allocation policy, trying to take a more restrictive approach, as well as applying it to rural exception sites. It is important to address these matters at this stage, as it is the main opportunity to raise these matters with the Independent Examiner. This is attached in Appendix A.

1.9 Technical comments have also been made on the Basic Conditions Statement and Consultation Statement. Although informal review comments were made just before the Regulation 15 (submission) as part of a review, unfortunately there are still a number of outstanding issues including a number of inaccurate statements which need to be brought to the attention of the Independent Examiner. These are attached in Appendix B & C.

Meeting the requirements of the 1990 Town and Country Planning Act

- 1.10 Before an examination can occur, Breckland Council is responsible for ensuring all the basic legal requirements in the 1990 Town and Country Planning Act are met. Under section 6, schedule 4B of the 1990 Act, where Breckland Council has received a Neighbourhood Plan and wants to consider it, there are five main requirements that Saham Toney Parish Council need to be met. The Council's consideration against these requirements is set out below.
- 1.11 Firstly, under paragraph (2)(a) & (2)(b), the Council needs to ensure those preparing the Neighbourhood Plan have the authorisation to act in relation to their neighbourhood areas and they meet with the requirements. Saham Toney Parish Council is authorised to act in relation to their neighbourhood area as it was designated by Breckland Council on 17th March 2016.
- 1.12 Secondly, in relation to (2)(c), where the Neighbourhood Plan and the associated documents conform to the specifications Breckland Council has previously commented on the drafts of all of the required documents and have advised the Parish Council where there have been issues, although potentially a number remain.
- 1.13 Thirdly, paragraph (2)(d) deals with meeting the requirements of the regulations before the plan can be submitted to the Local Planning Authority. This addresses the consultation and the other documents that need to be made available, as well as how the representations (comments) are to be dealt with.
- 1.14 Officers did raise concerns before a 3rd Reg.14 consultation was due to start, during the Covid 19 pandemic, which concerned making sure a paper copy of the Plan was available for public viewing which did occur during the consultation period. As a result of this Officers reviewed what has previously occurred and there were some gaps in following all the regulations. Although different regulations had not been complied with during the three different consultations, such as not making clear the times when consultation document information was available, this lack of compliance is considered to have a minimal impact. This is due to the fact there were three Reg.14 versions were available to make comments on, which provided a number of opportunities to comment on the documents.
- 1.15 Fourthly, in paragraph (3) that they are entitled to submit a Neighbourhood Plan which sets out land use policies for any part of a neighbourhood area. It also requires the plan to show the time period it operates between, does not relate to excluded development (such as a County or waste matter, or an environmental or nationally significant infrastructure project) and only covers on neighbourhood area. Officers consider that these requirements have been met.
- 1.16 Lastly, in relation to (4), that Breckland inform Saham Toney Parish Town Council whether or not they have met the requirements of 6(2) & (3) above and, where not, let them know why not. Officers are seeking through this report that members agree to notify the Parish Council view of the above.
- 1.17 In light of the assessment contained above, the Saham Toney Neighbourhood Plan is considered to have generally met the legal requirements of the 1990 Town and Country Planning Act in relation to schedule 4B, section 6, and is the seventh Neighbourhood Plan to have reached this stage in the District.

Saham Toney Neighbourhood Plan
Breckland Council comments for Regulation 16 Consultation

We welcome the production of the submission version of the Neighbourhood Plan and are aware of the volume of work that this has involved to produce three Pre-submission versions (Reg.14). In light of this further review of the Plan, we have not only dealt with new policy and text, but we have also aimed to take a consistent approach when key issues have not been addressed. We have also considered other issues not previously addressed, as a result of responses made in the Consultation Statement (particularly when they are incorrect) in order to help the Parish Council produce the best Neighbourhood Plan possible.

Key National Planning Policy Framework – NPPF / Neighbourhood Plan – The Plan

Page and Policy/ Paragraph No	Comment	Justification	Suggested Amendments
Whole Plan	There remains concern that there are still some issues in a few of the policies that are not considered to be consistent with either national guidance, or planning practise, which are addressed in detail below. This likely to have implications for meeting the 'Basic Conditions'.	Basic Conditions - paragraph 8(2) e of Schedule 4B to the Town and Country Planning Act 1990.	See below.
Whole Plan - Phrasing	As a result of producing three Reg.14 versions of the Plan, we have been concerned about the increasing level of detail contained within the Plan, particularly regarding to the site allocation policies (Policy 2H- 2P) and the water related policies (8A-H & 9). This has resulted in a Plan that has become very complex and lacks clarity and flexibility which is not consistent with national guidance and this also risks having implications for viability.	Clarity – <i>"16 d) contain policies that are clearly written and unambiguous"</i> Flexibility - 11. <i>a) plans should be sufficiently flexible to adapt to rapid change..."</i> Viability, 67 NPPF.	See below.
General - Terminology	The used of the word 'dictate' has been incorrectly used in relation to the NP regulations in para 2.3 & 2.5, as well as Local Plan policy in para 3.6.5.	Phrasing	Replace <i>'dictate/s'</i> with <i>'states'</i> .

General - maps	Format - Although the presentation has improved, it is disappointing that they are still not consistent with one another regarding the information they contain e.g. some have a title, legend, north rose and scale, some have some of these elements and others have none, as it is detracting from the quality of the Plan. Also, in just a few the information is still too small to read and therefore difficult to use e.g. p32-33, & 138. N.B. It is noted that the scale of a map is inconsistent; some are described in text, some in a ratio, others a scale and a number have none.	Presentation consistency and clarity.	All the basic information to be included as advised.
General - maps and graphics	Most would benefit by being placed in the centre of the page, so it does not look like information is missing.	Presentation consistency.	As advised.

3. THE NEIGHBOURHOOD AREA: SAHAM TONEY PARISH			
p12, para 3.0	2 nd sentence - The Consultation Statement response is not reflected in the actual changes to the Plan; it only makes reference to: <i>"initial, informal consultation"</i> and excludes specific reference to <i>"parishioners, businesses and organisations"</i> .	Clarity	Either the Plan also needs to make reference to <i>"parishioners, businesses and organisations"</i> or the Consultation Statement needs to accurately record what will be changed in the Plan.
p14, Figure 9	No of Households - it still not clear why two figures have been provided, despite the Consultation Statement stating that an <i>"Explanatory note added"</i> .	Clarity	Make the reason clear for the two sets of figures e.g. add a date for the first figure.
p15, para 3.6.1	As previously advised, the most recent list is May, not March 2020.	Accuracy - https://www.breckland.gov.uk/media/16518/Local-Development-Scheme/pdf/Local_Development_Scheme_final_June_1_2020.pdf?m=63729113894397000	As advised.
p16, para 3.6.4	As previously advised, the phrase <i>"lacks key services and facilities"</i> is negatively phrased. Also, the Basic Conditions Statement refers to a 'few', which is more positively expressed.	Para 16 b) <i>"...be prepared positively..."</i> NPPF.	Making reference to <i>'limited'</i> key services and facilities would be more constructive and consistent with phrasing in the Local Plan.
p17, para 3.7.1.1	2 nd sentence - The concern regarding a 'cap' on numbers is not consistent with approach required by national guidance, which aims to establish a minimum amount of housing. N.B. Also if the Local Plan Inspector felt 'uncertain' about policy HOU 04, it would not have been adopted	<i>"60. To determine the <u>minimum</u> number of homes needed..."</i> (NPPF)	Whilst <i>The policy indicates a minimum growth level of 33 dwellings in Saham Toney during the Local Plan period, it does not establish a clear cap on numbers"</i> .

5. VISION STATEMENT AND OBJECTIVES			
p25, para 5.3	b) - The Plan has not been amended in the same way the Consultation Statement has advised e.g. the latter states <i>“Satisfy the Local Plan minimum growth target and set an additional level of development via site allocation”</i> , where the former has been amended as <i>“Satisfy the Local Plan minimum growth target and provide certainty for future sustainable development, through the inclusion of site allocations”</i> (difference in bold).	Consistency	Either the Plan or Consultation Statement need to be amended, so they are consistent with one another.
p25, Footnote 2	As previously advised, this aspiration is not consistent with the approach taken in the rest of the Plan as ‘phasing’ is included in Policy 2A & all the site allocation policies.	Consistency	In view of comments on Policy 2A on this, delete 2 nd sentence.
7. THE POLICIES			
POLICY 1: SERVICES, FACILITIES & INFRASTRUCTURE			
p27, Policy 1, P1.1	As previously advised, this is should be for major developments, as otherwise the latest amendment (new T1.1 <i>“do not apply to householder schemes”</i>) risks making smaller non householder schemes unviable.	Viability.	<i>“P1.1 Where applicable all major development proposals shall demonstrate that....”</i> .
p27, T1.4	See comments re Policy 2A and ‘phasing’.	See below	Remove
p31, T1.19	See comments re Policy 2A and ‘phasing’.	See below	Remove
p33, Evidence Map 1b	Format - The presentation of the map would be improved by removing the black rectangle (left of the copyright text) as it is not clear what this represents.	Presentation	Either clarify or delete.
POLICY 2A: RESIDENTIAL HOUSING ALLOCATION			
p35, P2A.1	As previously advised, in the document mentioned in the last sentence of para T2A.4 (<i>STNP Justification of a Minimum Housing Target for the Neighbourhood Plan</i>)’. both the title and para 3.3a, address the issue of having a ‘minimum target’. This is also acknowledged in the Basic Conditions Statement (p42 re Policy HOU 01), (as well as addressed national guidance, but this is not reflected in the policy or text.	Consistency with evidence and <i>“60. To determine the minimum number of homes needed....”</i> (NPPF).	<i>“This Plan provides for at least 70 new homes...”</i> .

p35, P2A.1	As previously advised, serious concerns remain over the use of 'indicative delivery' and preferences to include phasing. While para 73, of the NPPF, states that "all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites", it is not considered 'appropriate' for the Para 73, NPPF to apply to the Plan. This is due to the fact that not only does phasing normally only occur in relation to strategic sites, (2/3's of the sites in this Plan are minor and 2/3's of these have been allocated for years 10-17) but it would be difficult to refuse planning permission for development on phasing grounds alone, where it is acceptable in all other planning terms. This would also cause more issues if the five-year housing supply in Breckland was to reduce over the next few years.	"...arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances..." (e.g. a substantial proposal or when not formally part of the development plan). Para 49, NPPF.	Delete all references concerning 'indicative delivery' or phasing from the policy and amend to just set out the housing allocations in the Plan, as well as the supporting text-e.g. para T1.4 T1.10; T1.19. Also remove other references to the 'phasing' element in all other policy, including: P2H.2; P2I.2; P2J.2; P2K.2; P2L.2; P2M.2; P2N.2; P2O.3; P2P.2, as well as text including: T2A.3; T2H.22; T2I.10; T2J.21; T2K.23; T2L.11; T2M.6; T2N.7; T2O.12; T2P.17.
p35, P2A.1	Also the addition of sentence starting "Actual phasing .." adds nothing constructive to the policy, as most of the sites are so small that they would not have a significant impact on infrastructure.	Accuracy	Delete
p35, T2A.1	1 st sentence - As previously advised, there is much better planning terminology, which reflects the situation more clearly.	Phrasing	"Policy 2A of the Neighbourhood Plan provides a parish specific context to broader growth requirements for allocating additional housing than that indicated in the Local Plan (see para T2D.1) "
p35, T2A.1	3rd paragraph - As previously advised, if the Plan allows for more homes under Policy 2B & 2C, this suggests that there could be more housing than the 70 units already allocated. It will be difficult to 'manage within the number allocated in this Plan", as more than this number have already been allowed for. Also see comments on Policy 2A 'minimum target' above.	'STNP Justification of a Minimum Housing Target for the Neighbourhood Plan'.	"(see Policy 2C)., but otherwise the level of new residential development permitted will be managed within the number allocated in this Plan..... "
p36, T2A.4 b)	As previously advised, it is not possible to 'futureproof' against any increase in housing units as it's the Local Plan that establishes the strategic housing allocation and development strategy. Future housing requirements in Breckland are yet to be determined as are	Accuracy	Delete b).

	any implications this number may have on the development strategy for the District. Although the numbers are likely to increase due to the suggested new standardised methodology the Neighbourhood Plan needs to conform to the current adopted Plan and not the emerging one.		
p36/7, T2A.4	This section does not address the issue whether all of these sites are either deliverable or developable. (See comments below on page 9 of these comments: 3. All site allocation policies (2H-2P).	Deliverability	Either clarify their status in the Plan as either deliverable or developable. If they are neither they should be removed.
POLICY 2B: RESIDENTIAL DEVELOPMENT WITHIN THE SETTLEMENT BOUNDARY			
p39, P2B.1 a)	Format - As previously advised, it would be clearer for the reader if this referred to a Map (e.g. an amended 7A.3 or new map), rather than a Policy to understand where this ' <i>sensitivity</i> ' applies. See comments on P2G.3 and Policy P7A.5.	Clarity	As advised.
POLICY 2C: RESIDENTIAL DEVELOPMENT OUTSIDE THE SETTLEMENT BOUNDARY			
p40/1, P2.C1	These criteria take a more restrictive approach than the strategic Local Plan policy HOU 04 regarding the types of developments allowed therefore, it does not meet the Basic Conditions. Criterion a) – This takes a more restrictive approach than the Breckland Council's Housing allocation policy (which deals with allocation of affordable rented housing), which only applies to targets/sites that are " <i>over and above those sites already <u>allocated by the local authority</u></i> ". This does not apply to rural exception sites, as they are never allocated in development plans. Also, the Housing Allocation Policy is a standalone Council policy and does not form part of the 'development plan'. Therefore, the 'development plan' should not be seeking to amend the content of that standalone district-wide policy that is prepared under different legislation. Also, as Policy HOU 14 does not apply a local connection criterion, this more restrictive than the Local Plan policy requirements.	Basic Conditions - paragraph 8(2) e of Schedule 4B to the Town and Country Planning Act 1990. Housing Act 1988 Housing Allocation Policy - updated March 2020	Either delete a) or amend Criterion a): " <i>A small scale affordable housing on rural exception sites, for people with a Saham Toney connection, as defined by Policy 2D; in accordance with LP HOU14 where the proposed dwellings are consistent with identified needs...</i> ".

p41, P2C.2	To be consistent with the approach taken in the latter part of the policy, the same terminology should be used to accurately reflect the role of all planning policy in the area.	Consistency & Accuracy	<i>"... where it becomes evident the policies in the Development Neighbourhood Plan are failing to satisfactorily deliver the minimum housing target set in Policy HOU 04..."</i>
p41, P2C.3	The text at the end of the policy marked with an * is not a policy and should be moved to the supporting text.	Clarity	As advised.
p42, T2C.8	This new text states that <i>"Policy 2C in the Neighbourhood Plan adopts a stricter approach to housing outside the settlement boundary..."</i> than Local Plan Policy HOU 04. As this is strategic Local Plan policy, this approach does not conform with the Local Plan and therefore this fails one of the Basic Conditions.	Basic Conditions & accuracy.	If the policy is not amended (as advised above), delete 2 nd & 3 rd sentences.
p42, T2C.9	Aside from the fact that no final decision has been made regarding the consultation document referred to, this text may need further amending, depending on the outcome of the consultation. Also the new text proposes that <i>"...the additional housing delivered by this Plan ... shall not be applied as additional to any revised target set for the Neighbourhood Area should the Local Plan requirement be increased ..."</i> . It is not possible for this Plan to affect the future outcome of another development plan in this manner and this needs to be reflected in the text.	Clarity	<i>"In light of these factors, it is made clear and depending on the start date for the Review of the Local Plan and progress on the delivery of the sites included in the Neighbourhood Plan, it may be the case that the additional housing delivered by this Plan ... shall not be applied as additional to could form part of any revised target set for the Neighbourhood Area should the Local Plan requirement be ..."</i>
p42, T2C.10	Policy HOU 04 is a minimum target and can't be controlled in the way suggested. See comments on Policy 2A re ' <i>minimum target</i> '.	Ability to enforce.	Remove last sentence.
POLICY 2D: AFFORDABLE HOUSING			
p43, P2D.1	As previously advised, the Local lettings policy hierarchy needs to accurately follow the latest Breckland Housing Allocations Policy (as in para 3.4, (March 2020), which initially states <i>"a) Has lived in the district continuously for 3 years;"</i> . While the Plan has been amended, criterion a) remains far more restrictive than the	To be consistent with Housing Act 1988 (as amended) and priority for those in reasonable preference groups, also as per Breckland amended housing	Delete criteria a).

	<p>Brecklands Hosing Allocations policy by proposing that residents “resided continuously in Saham Toney Parish for the last three years”. This policy seeks to add an additional, more restrictive, layer of eligibility over and above that stated in the Council’s Housing Allocations Policy. Breckland’s Housing Allocation Policy also reflects relevant national legislation in relation to other exceptions and exceptional circumstances which will take priority over this policy, for example in respect of the Homeless and armed forces, which has not been addressed in this policy.</p> <p>This is not considered appropriate because the Breckland Council Housing Allocation policy is a standalone policy and not part of the ‘development plan’. Therefore, the ‘development plan’ should not be seeking to amend the content of that policy that is prepared under different legislation.</p>	<p>allocations policy, para 3.4 Connection to the local area criteria, exceptions and exceptional circumstances (March 2020).</p>	
p44, T2D.2	<p>It is not possible to prioritise Saham Toney residents in the manner proposed as there are some types of applicant that are ‘exceptions’ or ‘exceptional circumstances’ to the local letting criteria.</p>	<p>Accuracy – Breckland Housing Allocations policy, para 3.4.2 & 3.4.3.</p>	<p>As advised.</p>
p44, T2D.6	<p>Breckland Council has amended the June 2019 Housing Allocation policy in March 2020 and this text requires amending to reflect the current policy approach.</p>	<p>Accuracy</p>	<p>Delete 1st three sentences.</p>
POLICY 2E: HOUSING MIX			
p46, P2E.4 b)	<p>The terminology needs still amending. Low-cost home has a specific meaning within the NPPF, but it is a type of affordable housing that is strongly discouraged in Breckland as it does not meet local need. ‘Shared ownership’ is the preferred local option and is not just for first time buyers”.</p>	<p>Evidence</p>	<p>Replace ‘low cost ownership’ with ‘affordable home ownership’ which is a broader term. “...including shared ownership, homes at a cost suitable for first time buyers and other low-income households”.</p>
p46, P2E.5	<p>The text marked * at the bottom of the policy should be moved to the supporting text as it is not policy.</p>	<p>Phrasing</p>	<p>As advised.</p>
p50, T2E.7	<p>This relates to the preference on number of bedrooms from those on the Housing Register, however it just applies to affordable rented homes and no other tenures e.g. market sales, low cost home</p>		<p>Make it clear that the figures only relate to a preference made by those on the Housing Register who are</p>

	ownership? Therefore, the way the information has been presented is misleading.		seeking an affordable rented home and does not take into account any preference by those looking for other different tenures.
POLICY 2F: COMMON CRITERIA FOR ALLOCATED SITES			
p51, P2F.2	As previously advised, it is not considered that the current approach is proportionate or viable for all sites and therefore requires amending.	Viability	<i>"P2F.2 A full proportionate ecological appraisal shall be provided..."</i>
p55-63, Policy Maps 2F.1-9	Format - It is disappointing that these maps have been enlarged, rather than adding the 'access information' onto the site map for each site, to reduce the volume of the Plan. Also, the scale is incorrect as it provides it for when the map is A3.	Presentation	As advised.
POLICY 2G: MASTERPLANNING			
p64, P2G.1	As previously advised, the approach being taken in this policy is considered too restrictive and does not offer the flexibility required by the planning system. It is still not clear why sites STNP1, STNP4, STNP7 and STNP16 appear to be excluded from being (further) masterplanned. For these sites, this policy appears to require that they should be similar to the research and layouts included in the Plan.	<i>11. a) plans should be sufficiently flexible to adapt to rapid change..."</i> NPPF and to be consistent with Plan policy 2H, 2J, 2K & 2P.	Remove from " <i>; with the exception of proposals for allocated sites STNP1, STNP4, STNP7 and STNP16 ...</i> " until the end of the sentence and remove reference to this in the relevant policies P2H.1 b), P2J.1 b), P2K.1 b), & P2P.1 b).
p64, P2G.1	As previously advised, it would be clearer if it was the policy rather than text that identified what was considered to be ' <i>major</i> '. This should be included within the Plan and not just having the Glossary refer to another document. Therefore, as a minimum the relevant text should be amended.	Clarity	<i>"T2G.2 - Major development shall be as defined as 10 or more dwellings or sites in excess of 0.5 ha in the latest version of the National Planning Policy Framework.</i>
p64, P2G.3	It would be useful if there was a cross reference to a map (e.g. an amended Map 7A.3 or new map) that identifies ' <i>landscape sensitivity</i> ', as there is no map clarifying where this applies. See comments on Policy 2B, P2B.1 a) and Policy P7A.5.	Clarity	Include a map where this is clearly demonstrated.
p65-69, Policy Map 2G.1 & 2, & Figures 17	As previously advised, while we welcome the inclusion of these plans, it should be made clear that they are for illustrative purposes only as otherwise this approach is considered too restrictive and	<i>11. a) plans should be sufficiently flexible to adapt to rapid change..."</i> NPPF and to	As advised.

	does not offer the flexibility required by the planning system.– see comments re P2G.1 above.	be consistent with Plan policy 2H, 2J, 2K & 2P.	
p65 & Policy Maps 2G.1 & 2	Format - The presentation of this map could be improved by including a north rose, Legend, and scale.	Clarity	As advised.
SITE ALLOCATION POLICIES – GENERAL COMMENTS			
p70-106, 1 st All site allocation policies (2H-2P)	As previously advised, concern remains over the reference to phasing in all these policies - see comments above re Policy 2A re phasing.	Ability to enforce.	Delete as previously advised.
p70-106, 2 nd All site allocation policies (2H-2P)	As previously advised, the use of the words ‘ <i>up to</i> ’ (previously ‘ <i>a maximum of</i> ’) remains too prescriptive. This can be addressed by phrasing it more positively. Also see comments on Policy 2A above on ‘minimum target’.	Phrasing	“.....for up to at least x new dwellings will be permitted subject to meeting the following criteria:”.
p70-106, 3 rd All site allocation policies (2H-2P) p72, T2H.8; p76, T2I.4; p80, T2J.7; p85, T2K.9; p90, T2L.3; p93, T2M.3; p95, T2N.3; p98, T2O.3; p102, T2P.3.	In the 2nd Reg.14 version of the Plan, the supporting text stated that sites STNP 1, 4, 7 (Policies G, I & J) were not “ <i>yet be considered deliverable</i> ” with no reference to whether they were developable. For all the other sites: 2, 9, 13-16 (Policies I, L, M, N, O & P); it stated that they were “ <i>considered deliverable</i> ”. In the 3rd Reg.14 version of the Plan, the text for sites STNP 1, 4, 7, regarding deliverability had been removed and no reference to whether they were developable. In this version of the Plan, reference is now all made to them being “ <i>developable/ deliverable</i> ” (with the exception of site STNP 4, which states it is now deliverable, where previously it was not deliverable). Not only do these terms (deliverable or developable) have different meanings in the NPPF, taking this approach causes a lack of clarity. This also undermines the Plan’s approach to ‘phasing’ as this is suggesting all the proposed sites could be delivered within 5 years as they are considered to be to be ‘ <i>deliverable</i> ’. N.B. Lettering for policies changed b/t 2 nd & 3 rd Reg.14.	Para 67 requires sites to be either deliverable or developable (NPPF).	Either clarify their status in the Plan as either deliverable or developable. If they are neither they should be removed. (Also see comments for p33, T2A.4 above).
POLICY 2H: SITE ALLOCATION STNP1: GRANGE FARM, CHEQUERS LANE			

p70, P2H.2	There is concern that criteria i) - j) risks pre-empting the outcome of a flood risk assessment (criteria h) by making potentially unnecessary site requirements.	Viability	Delete criteria i) - j).
POLICY 2K: SITE ALLOCATION STNP7: PAGE'S FARM			
p84, P2K.2	There is concern that criteria g) - h) risks pre-empting the outcome of a flood risk assessment (criteria h) by making potentially unnecessary site requirements.	Viability	Delete criteria g) - h).
POLICY 2O: SITE ALLOCATION STNP15: 8 RICHMOND ROAD			
p100, Map	Format - The presentation of this map could be improved by increasing the size of the scale (so it can be read), removing the green line and '19' that appear on the top left-hand side of the page, and adding a title. This would all add clarity for the reader.	Presentation and clarity.	Amend as advised.
POLICY 3A: DESIGN			
p108, P3A.3	As previously advised, it would be useful to cross refer to para T3A.11, which has a summary of the 'village character vernacular', to make clearer what the policy is seeking.	Clarity.	<i>"Local vernacular: Design proposals shall incorporate Saham Toney's character vernacular (see para T3A.19), whilst..."</i>
p114, Map	Format - While the presentation of this map has significantly improved, new information (purple and dotted blue lines) has been added, but also needs to be added to Legend, along with a title underneath, which would add clarity for the reader. Also it would be useful to have the Plan area included on it to show how these routes relate to the Plan.	Presentation and clarity.	Amend as advised.
POLICY 3B: DENSITY OF RESIDENTIAL DEVELOPMENTS			
p115, P3B.1	As previously advised, there remains concern that the current restrictive approach is not the most effective use of land and not in accordance with NPPF as it is possible to design at higher densities and still fit with character of area. Also, the 2 nd sentence is repeating the 1 st , but in more detail - the previous version (2 nd version) was more succinct.	NPPF, para 122 refers to making an 'efficient' use of land & there are three other criteria not mentioned in the Plan's supporting text that need to be considered e.g. different housing types & land	<i>"P3B.1 The density of new residential developments shall should maintain the prevailing character and setting of Saham Toney and. To be supported, residential development proposals must shall be guided by the data on existing densities as provided for the 19 areas listed below in Table 3B.1 below."</i>

		availability; market conditions & viability; and design.	
POLICY 3C: SITE ACCESS AND ON-SITE STREETS			
p119, Evidence Map 3B.1	Format - The presentation of this map could be improved by including a Legend confirming what the information on the maps relate to.	Clarity	As advised.
POLICY 3D: PARKING			
p123, P3D.1	g) - It would be useful to refer to the relevant part of the Local Plan, as in j). N.B. The Consultation Statement states this has been amended, but no change was made.	Clarity	<i>"...and the parking standards defined in the Local Plan in Appendix 2;"</i>
POLICY 3E: DARK SKIES PRESERVATION			
p125, Map	Format - While the presentation of this map has improved, the scale is very difficult to read, the '+' & '-' need removing and a title needs adding underneath, which would all add clarity for the reader. Also it would be useful to have the Plan area included on it to show how this issue relates to the Plan.	Presentation and clarity.	Amend as advised.
POLICY 3F: CLIMATE CHANGE ADAPTATION & MITIGATION			
p126, P3F.5	There appears to be a word missing from the sentence.	Phrasing	<i>"... will be supported providing the impact on external appearance is acceptable."</i>
p127, Photograph	The new photograph is missing a title underneath the image. Also add this information to the contents page on page 5.	Consistency	As advised.
POLICY 5: SAHAM TONEY RURAL GAP			
p134, Evidence Map 5.1	Format - The presentation of these maps would benefit by taking a consistent approach. Only one has north rose, and they take a different approach to the scale e.g. one is a ratio and the other a scale.	Consistency	As advised.
p135-6 Photographs	We welcome the improvements to the presentation of the photographs, so it is disappointing that the same approach has not been taken towards the presentation of the maps.	Presentation	As advised.

p137-9, Evidence Maps 5.2-5.4	Format - The presentation of these maps would benefit by including a scale in latter two, in the 1 st & 3 rd realigning the information in the Legend and increasing the size of the Legend in the 2 nd .	Presentation	As advised.
p140 Map 5	Format - The Map insert is not necessary and too small to read easily.	Presentation	As advised.
POLICY 7A: LANDSCAPE CHARACTER PRESERVATION AND ENHANCEMENT			
p149, P7A.5	2 nd sentence - The use of the term ' <i>degrade</i> ' is very subjective.	Phrasing	Replace with ' <i>negative affect</i> '.
p149, P7A.5 & p150, Table P7A.1	As previously advised, the policy and table, would be aided by including a map showing where the 3 local combined (landscape and visual) sensitivity types (Moderate; Moderate-High; & High) actually are located to aid the implementation of the policy.	Clarity	As advised.
p150, Table P7A.1	This table should be swapped with table P7A.2, as the latter table provides clarity to this table in the 4 th column e.g. ' <i>combined sensitivity</i> '. The title should be underneath the table to be consistent with the rest of the Plan. Also see Comments re clarity of terminology re p225, ' <i>landscape sensitivity</i> ' and p228, ' <i>visual sensitivity</i> '. N.B. The Consultation Statement regarding comment 127* p129, P7A.3, appears to suggest these terms address the same issue, when this table and table P7A.2 are showing they have different implications.	Clarity	As advised. Also amend any other policy and text where this is referred to.
p152, Table P7A.2	This table should be swapped with table P7A.1, as this table provides clarity to the former table re the 4th column e.g. ' <i>combined sensitivity</i> '. Also see Comments re clarity of terminology re p225, ' <i>landscape sensitivity</i> ' and p228, ' <i>visual sensitivity</i> '.	Clarity	As advised. Also amend the policy and text where this is referred to.
p153, Evidence Map 7A	Format - The presentation of this map could be improved by added the north rose on the map, along with a scale and a Legend and to make the presentation of this map consistent with others in the Plan, as well as increasing its size. Also, the text on the map duplicates the text in T7A.11.	Consistency	As advised.

p154-6, Policy Maps, 7A.1-3	Format— As previously advised, the presentation of these maps would benefit by reflecting the colour on the map in the Legend, to aid all readers understanding.	A map legend is a visual explanation of the symbols and colours used on the map.	As advised.
p156, Policy Map 7A.3	Format - The map would benefit from having a explanation about the shaded grey areas (VCA1-8), as found on Map 7A.3, in visual terms rather than just written.	A map legend is a visual explanation of the symbols and colours used on the map.	As advised.
POLICY 7B: KEY VIEWS			
p158-169, Photographs and Maps	Format – While we welcome the improvement of the presentation of this information, as previously advised, it would be more consistent if the titles for the Photographs and Maps were underneath these images, rather than over, to be consistent with the approach taken with rest of the Plan.	Consistency	As advised.
p170, Policy Map 7B	Format— As previously advised, the colour used for these two difference types of key are too similar to easily read. Also, it would help if the name of the landmark features (red stars) were included on the map.	Clarity	As advised.
POLICY 7C: LOCAL GREEN SPACES			
p171, P7C.1	As currently worded, this policy would prevent any proposals where it could improve the facilities and amenities in these open spaces. As such this is not consistent with para 101 (NPPF) which indicates that the approach <i>“for managing development within a Local Green Space should be consistent with those for Green Belts”</i> .	NFFP, para 141, clarifies that in a Green Belt planning should <i>“positively to enhance their beneficial use....”</i> and para 145 identifies the types of development that are appropriate within a Green Belt.	Amend policy to include other exceptions to this policy, to include forms of development that improve the open spaces, i.e. landscape improvements; provide footpaths, play equipment, sport facilities, etc.
p171/2, T7C.4	As previously advised, it is not clear why reference to the Open Spaces Society is made when this is not a document the Plan needs to take account of. The majority of the characteristics are already identified in the NPPF as examples of being <i>‘Demonstrably special to the community’</i> , which the Plan needs to take account of. The criteria ‘Beauty to ‘Richness of wildlife’ should all sit under this section as examples. The exception to this is <i>‘Supported by the</i>	Clarity.	As advised.

	<i>Parish Council</i> '. This is an unnecessarily as this is it not a NPPF requirement, and if the Pariah Council don't support the sites why include them in the Plan?		
p173, Policy Map 7C.1	Format - As previously advised, the Map insert is not necessary and is difficult to easily read. Also, the Local Green Spaces would have been better presented if located in the centre of the map and were on a larger scale, so their boundaries were clearer.	Clarity	Remove.
p174, Policy Map 7C.2	Format - While we welcome the inclusion of the Photo's in boxes, so they are consistent with those on p135/6, the presentation of them could be improved by centralising them.	Presentation	As advised.
POLICY 7D: BIODIVERSITY AND HABITATS			
p179-186, Policy Maps 7D.1a-7D.4b	The font size on the Legends remain varied. N.B. These maps worked much better when each type of map faced one another.	Presentation consistency.	As advised.
POLICY 7F: TREES AND HEDGES			
p189, P7F.1	As previously advised, while sympathetic to this approach, this can only apply where they are ' <i>irreplaceable</i> ' such as ' <i>ancient woodland</i> ' and ' <i>ancient or veteran trees</i> '.	Para 175 c), NPPF.	As advised.
WATER MANAGEMENT POLICIES – GENERAL COMMENTS			
p191/2, 8A-9	As previously advised, there is concern that a number of these policies are not a land use planning matters but are implementation (Building Control) ones. Also, there is a risk that such technical information can quickly change and risks them becoming out of date. The policies need to be significantly reduced to cover the main planning issues e.g. Surface water, Sustainable drainage including SuDS and Sewerage by separating out the ' <i>what</i> ' from the ' <i>how</i> '; keeping the former in the policy and the latter into another guide or appendix.	Succinct, para 15, NPPF.	As advised.
POLICY 8A: SURFACE WATER MANAGEMENT GENERAL PROVISIONS			

p191, P8A	There is concern that as phrased (except in P8A.2) it would include residential extensions and other minor developments, which could have viability implications.	Phrasing	Revise to apply only to major developments.
p191, P8A.3	NPPF only requires FRA for sites less than 1 ha in flood zone 1, if the site could be affected by sources of flooding other than rivers and the sea, for example surface water drains. An area in “low risk of surface water flooding” would appear to have no reason to provide a FRA. This therefore seems onerous and beyond national requirements.	Viability	Amend to confirm to national guidance.
p192, P8A.5	We are aware that the LLFA Team are only consulted on major development and that the approach in the Plan does not conform with their protocol or statutory guidance.	Regulatory	Amend to only apply to major development.
p192, P8A.6	As previously advised, it is Breckland Council’s responsibility to determine planning applications, and therefore to determine what information is required for each individual application.	Requirements for Information.	<i>“...discharged into the public sewerage network prior to being decided, upon request from the Local Planning Authority when considered necessary”.</i>
p192, P8A.8	Such information is more appropriately located within the supporting text, especially as it can date very quickly.	Phrasing	As advised.
P195, T8A.19	<i>The Plan states that “It should be noted that the Breckland Strategic Flood Risk Assessment does not include Saham Toney”.</i> As part of the evidence base for the adopted Local Plan, and underpinning the site specific allocations and Policy ENV09 (flood risk and surface water drainage), the Council commissioned a District wide Level 1 Strategic Flood Risk Assessment Update (covering Saham Toney as appropriate) and Flood Risk – Sequential Test Report. In finding the Plan sound, these were considered by the Local Plan Inspector as an appropriate evidence base.	Accuracy	Delete
p198-200, Figures 25-26	Format - The presentation of these photos, could be improved if they were centralised.	Presentation	As advised.
POLICY 8B: SURFACE WATER RUNOFF (DISCHARGE) RATE & VOLUME			

p201, P8B	The policy requirements are overly onerous to require all development proposals to provide such information and therefore lacks flexibility. It also seems unnecessary as it appears to repeat SuDs guidance and other technical documents. NPPF and the Planning Practice Guidance do not mandate the use of the SuDs Manual as it will not be possible in every situation to meet its requirements.	Viability	Delete or amend to only apply to major development.
p201, P8B.3	There is significant concern that the online version of the Plan and the paper copy of the Plan contain different policy. The online version states: “...it shall be shown that the flood risk has been managed in accordance with the most up to date 47 Surface water run-off mitigation measures shall ...”. However, in the printed version the policy reads “...it shall be shown that the flood risk has been managed in accordance with the most up to date version of BS8533:2011 “Assessing and managing flood risk in development – code of practise” . P8B.3 Surface water run-off mitigation measures shall ...”. (the text in bold indicates the different text in each document). Also we are seeking confirmation from the Parish Council that other errors has not occurred elsewhere in the Plan.	Clarity	Amend online version: “...it shall be shown that the flood risk has been managed in accordance with the most up to date 47-version of BS8533:2011 “Assessing and managing flood risk in development – code of practise” . P8B.3 Surface water run-off mitigation measures shall ...”.
POLICY 8C: INFILTRATION TESTING			
p203, P8C	The policy requirements are overly onerous to require all development proposals to provide such information and are all non-planning matters for the LLFA to consider.	It is not proportionate and reasonable for small scale proposals to provide such degree of information.	Delete or amend to only apply to major development.
POLICY 8G: RESISTANCE & RESILIENCE OF SUSTAINABLE DRAINAGE SYSTEMS			
p210, P8G	The policy requirements are overly onerous to require all development proposals to provide such information and therefore lacks flexibility.	Viability	Delete or amend to only apply to major development.
POLICY 8H: DESIGN OF SUSTAINABLE DRAINAGE SYSTEMS			

p210, P8H.1	The policy requirements are overly onerous as the specific SUDS and drainage details, calculations and data is often not available during applications and is secured via condition.	The policy requirements to provide all necessary SuDS design data and calculations is overly onerous and goes against government guidance and advice to be proportionate and reasonable.	Amend to add "... or sufficient details is provided to enable the LLFA to satisfactorily conclude the proposed SuDS are acceptable in principle ".
POLICY 9: FOUL SEWERAGE PROVISION			
p215, P9.1	The policy requirements are overly onerous on small scale developments which still require permission.	There are various reasons why mains connection is not feasible, supply of evidence maybe overly onerous for small scale developments.	Amend to read "... produced demonstrated that it is not feasible to do so ".
p215, P9.2	Applicants may not be able to provide evidence that capacity is available within the sewerage network as this is dependent on Anglian Water's evidence and monitoring.	Policy requirements may not be achievable.	Amend to "... pumping stations, or either that capacity can be made available in time to serve the development, or an acceptable alternative provision has been agreed with the Local Planning Authority, and in consultation with the statutory foul drainage provider. "
p215, P9.6	The text marked * at the bottom of the policy should be moved to the supporting text as it is not policy.	Phrasing	As advised.
MONITORING			
p217, Table	Policy 2A target - as previously advised, remove monitoring indicator ' <i>Delivery broadly in line with the planned trajectory</i> '.	Ability to enforce.	As advised.
p219, Table	Policy 3A target - relation to ' <i>Pattern and Design of New Housing</i> ,' as previously advised, it is not clear by what criteria or how this is to be measured.	Clarity	Provide details on how the monitoring will be undertaken.
p219, Table	Policy 3A target ' <i>Use of Local Vernacular</i> ', as previously advised, is the indicator how local vernacular is used or how a development responds to the local vernacular? The target is ' <i>How well the design</i>	Clarity	Provide details on what is being measured and how.

	<i>relates to the Parish Design Guide</i> , but it is unclear how this is measured.		
GLOSSARY			
p222/223, Tables (was p198/99)	As previously advised, it would be more useful for the reader if all the terms that were used in the Plan were found in the Plan.	Clarity	As advised.
p225, 'landscape sensitivity'	This explanation does not address what is meant by ' <i>landscape character</i> ' and there is no other explanation in the Glossary for it.	The Consultation Statement re response 127* p129, P7A.3, appears to suggest this term and the one below cover the same issue.	Clarify as advised.
p225, 'Making of the Plan'	The Neighbourhood Plan becomes part of the ' <i>development plan</i> ' for the area, not the Local Plan, which is also part of the ' <i>development plan</i> ' for the area.	Accuracy	<i>"The formal, legal acceptance of the Neighbourhood Plan as part of the Local Development Plan by Breckland Council"</i> .
p228, 'visual sensitivity'	This explanation does not address what is meant by ' <i>visual character</i> ' and there is no other explanation in the Glossary for it.	The Consultation Statement re response 127* p129, P7A.3, appears to suggest this term and the one below cover the same issue.	Clarify as advised.
Omission	It would be really beneficial if there was an acknowledgement in the Plan, that to meet the requirements of the 2010 Equalities Act, that the Parish Council has the responsibility to make it available in other formats, if requested.	This is a Parish document that other Breckland Neighbourhood Plans have addressed.	As advised.

Saham Toney Neighbourhood Plan – Basic Conditions Statement

It is clear that a significant amount of research has gone into this assessment, which has resulted in the final statement containing a rather large volume of information for such an assessment; there seems to be an excessive amount of assessment in some areas (NPPF assessment), but a lacking in others (Policy v para/policy ref tables).

In view of this this we have made general comments and identified a few specific examples to demonstrate to points we are making. Therefore, there remains concern that parts of the Statement do not adequately justify meeting all the ‘Basic Condition’ tests.

Where comments are made in respect of specific policies in the STNP further information can be found in the Council’s comments on the Plan itself.

Key - Neighbourhood Plan – The Plan

Page and Policy/ Paragraph No	Comment	Justification
Assessment of Neighbourhood Plan	Unfortunately, still too many statements have been made without any clarification to support them.	Evidence - <i>Outline why your plan meets the basic conditions rather than simply stating that it does. You need to reference the specific policies in your neighbourhood plan, the rationale for these policies and the evidence on which they are based.</i> p6, How to write a basic conditions statement (Planning Aid).
Table Format	Format -. As previously advised, the Independent Examiner is assessing the Neighbourhood Plan policies against other documents. It would have been better practise if the Plan policies had been listed first, in the order found in the Plan, and the guidance/policies it is being assessed against listed second.	This approach makes it clearer for the Examiner to assess whether all policies of the Plan have been addressed in the assessment.
All Tables - Assessment of National Guidance & Local Plan policy	Format - For all tables, it would have been clearer if the guidance/policy approach being assessed was summarised and not just made reference to the section/ para number / title.	This it makes it more difficult for the Examiner to assess what point is being made without referring to other documents.

1. INTRODUCTION		
	TABLE 1: THE POLICIES AND THEIR BROAD INTENT	
p5	2C: Residential Development Outside the Settlement Boundary – if Policy 2C “...adopts a stricter approach to what other developments which may come forward...” then this risks not conforming to the strategic Local Plan Policy HOU 04 and therefore it fails the ‘Basic Conditions’ test.	Basic Conditions
4. HAVING REGARD TO NATIONAL POLICIES and ADVICE CONTAINED IN GUIDANCE		
p10, Table 3	This assessment includes too much information, particularly when it makes reference to paragraphs that aren’t relevant. It is disappointing this table has not been amended as previously advised, as it is not presented in a manner which is clear for the Examiner to assess whether all policies of the Plan have been addressed in the assessment. Although referencing as to how the Plan has regard to National Policy has improved, parts remain where the referencing is too vague; the statement needs to be explained e.g. it needs to describe how this is achieved, rather than just referring to a section or policy e.g. NPPF 16a - How is the Plan contributing to sustainable development demonstrated by section 5 and Appendix A?	Good Practise
p10, Table 3	Some responses are also not accurate e.g. NPPF 65-66 - This does apply to the Neighbourhood Plan, which is excess of the Local Plan housing figure.	Accuracy
p10, Table 3	NPPF 6 – As previously advised, clarification regarding what ‘HCWS’ stands for has not been made.	Clarity
	TABLE 4: NEIGHBOURHOOD PLAN POLICIES vs NPPF PARAGRAPHS	
p32/33	While we support the introduction of this table, it fails to adequately clarify ‘how’ the Neighbourhood Plan takes account of this national guidance (NPPF).	Good practise
	TABLE 5: HOW THE NP IS APPROPRIATE HAVING REGARD TO ADVICE CONTAINED IN NATIONALGUIDANCE	
p33	We welcome the approach taken in this assessment.	
5. HOW THE NEIGHBOURHOOD PLAN CONTRIBUTES TOWARDS THE ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT		
	TABLE 6: AN OVERVIEW AS TO HOW THE PLAN CONTRIBUTES TO ACHIEVING SUSTAINABLE DEVELOPMENT	

p36-37, Table 6	While there has been some improvement in clarifying 'how' policies in the Neighbourhood Plan contribute towards the achievement of sustainable development in the Economic section, this has only occurred in parts of the Social section and not at all in the environmental section.	Clarity
6. CONFORMITY WITH THE STRATEGIC POLICIES IN THE BRECKLAND LOCAL PLAN		
	TABLE 8: GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE BRECKLAND LOCAL PLAN	
p42-46, Table 5	As previously advised, there are still statements with the explanation missing. It needs to describe how this is achieved, rather than just referring to a section or which policy, which make this assessment weak. For example in GEN 1: The explanation has not been summarised in the table (it just refers to Appendix A) or in GEN 05: Settlement Boundaries it does not make it clear 'how' <i>"STNP policy 2B adds local context and considerations to Policy GEN 05, to the principle of which it conforms"</i> .	Clarity
p42, Policy HOU 01: Development Requirements (Minimum)	This states that this policy <i>"sets a <u>minimum</u> development requirement at district level"</i> and that <i>"STNP policy 2A does the same at the neighbourhood level"</i> . This is not consistent with the Consultation Statement, which states the opposite in response to comment 37 (p334), by stating that <i>"the extensive site assessment and selection work....justify <u>limiting</u> the total allocation"</i> .	Accuracy
p42, Policy HOU 04 (General)	If, as stated, <i>"...the STNP takes a more restricted approach to other developments which may come forward immediately adjacent to the settlement boundary during the Plan period"</i> , then then it risks failing the 'Basic Conditions' test as it does not conform to this strategic policy.	Basic Conditions
p44, Policy Hou 06: Principles of New Housing	3 rd para states that there is <i>"... no shortage of land for meeting identified housing needs..."</i> . However, this does not mean <i>"...the need to avoid homes being built at low densities is not applicable"</i> , as building at higher densities is a sustainability issue. Land is a finite resource and the continuing need for new housing that will extend beyond the Plan period means that maximising the effective use of land (including the optimisation of densities) is always an important consideration.	Accuracy
p45, Policy HOU 07: Affordable Housing	STNP Policy 2D Local Lettings policy <u>is not</u> in full accordance with the Local Housing Authority's housing allocation policy.	Accuracy

TABLE 9: NEIGHBOURHOOD PLAN vs LOCAL PLAN POLICIES		
p47	While we support the introduction of this table, it fails to adequately clarify 'how' the Neighbourhood Plan takes account of the Local Plan.	Clarity
7. COMPATIBILITY WITH EU OBLIGATIONS		
p48, para 7.1	Although this provides a useful summary, it is disappointing it is not consistent with the duplicated, more detailed, section below e.g. A second screening assessment was carried <i>for</i> not <i>by</i> the Local Planning Authority. It <i>initially</i> concluded that SEA was not required, the <i>Local Planning Authority</i> determined that a SEA was required.	Accuracy
p48, para 7.1.1-7.1.3	As previously advised, these paragraphs are unnecessary as they duplicate the above (para 7.1) in more detail.	Accuracy
p52, para 7.2.	This section provides a useful basic summary.	Clarity
p52, para 7.2.1-5	As previously advised, these paragraphs are unnecessary as they duplicate the above in more detail, as well as including inaccurate statements which have not been amended e.g. 7.2.1 is a complete misrepresentation because no such screening was ever produced as the Council was advised by the County Council that an HRA was not considered to be necessary.	Accuracy

Saham Toney Neighbourhood Plan
Consultation Statement (Regulation 16) Consultation – Comments Form

There are a number of concerns about the content of this Consultation Statement, particularly its accuracy. Firstly, it reproduces website and emails in plain text, rather than originals which increase the likelihood errors being made and risks not accurately recording how information was received. Also, the information regarding who actually made a number of the comment is missing from this document on public consultation.

Secondly, in relation to the response to Breckland's comments on the 3rd Reg 14 version of the Neighbourhood Plan, it is disappointing that a number of the responses are not as comprehensive as they could be. Some response statements do not clearly or accurately reflect what changes will be made or where the Plan is being amended e.g. there is reference to the Health Checks, but the detailed response has not been included in the Statement, only a precis is provided. Also, a number of these responses are unnecessarily subjective particularly where the comment is not supported.

In view of this, this we have made general comments and identified a few specific examples (rather than every example) to demonstrate to points we are making.

Key STNP – Saham Toney Neighbourhood Plan – the Plan

Page and Paragraph No	Comment	Justification and any suggested amendments
General	It is far better practise to include the original documents / emails as valid evidence, rather than reproduce them in plain text. This would demonstrate an accurate position on the issue.	It avoids the extra resources needed to send them if requested by the Independent Examiner at the Examination.
p5 TABLE OF CONTENTS	<p><i>APPENDIX D3. Late Response to the Strategic Environmental Assessment Report by Breckland Council.....447</i></p> <p><i>APPENDIX D4. Late Response to the Habitats Regulations Assessment Report by Breckland Council..... 448</i></p> <p>These headings are inaccurate see comment below re p77.</p>	Accuracy
Contents page - omission	There is significant concern that the detailed responses regarding the Health Checks have not been included in this Statement and only a summary has been included, which risks	Clarity

	misinterpretation. This has made it very difficult to understand all the recent changes to the Plan, particularly when this has been referred to in response to comments.	
13. CONSULTATIONS ON ENVIRONMENTAL ASSESSMENTS OF THE NEIGHBOURHOOD PLAN		
p67-82, Section 13	We have been advised that this information is not required here as the Environmental Assessment Reports should be self-contained and include this information.	
p67, Section 13	As previously advised, this is incorrect. It should read: “13.1 Screening of the Regulation 14 version of the Plan at the time of the first pre-submission of the latter, in March 2018, concluded that a neither Habitats Regulations Assessment (HRA) nor Strategic Environmental Assessment (SEA) of the Plan was not ere required at that stage”.	Accuracy
p76, para 13.9	There is concern that the emails have been withheld in this public document. As previously stated, the inclusion of full emails would demonstrate an accurate position on the issue.	Accuracy
p77/78, para 13.12 Late Response from Breckland Council	This is inaccurate; this response was the result of a review of all documents that are required at the Reg.15 stage, which is carried out on all Plans. As part of this review comments were made on both the SEA & HRA, and not just the former. Also, we sought advice English Heritage about our concerns with the SEA; this was not part of any formal consultation.	Accuracy
APPENDIX C3. Pre-Submission Consultation June-August: Breckland Council Comments with STNP Responses		
p323, Appendix C3. Whole section	Reference to a meeting held on 15 October 2019 has been made in relation to a number of Breckland Council’s comments on the 3 rd (and 2 nd) version of the Reg.14 Plan, concerning a number of outcomes of the meeting e.g. suggesting that phasing (re para 73 NPPF) and limiting the total allocation are approaches that Breckland Council supports. Also, in the 3 rd STNP comments, reference is made to an agreement being made, which we are not aware of. Also when reference is made to Appendix B3, it fails to indicate where in such responses can be found.	Accuracy - In light of these response statements, we would like to see evidence that the Council has been sent and agreed such minutes or signed off any agreement, in order to establish the accuracy of the response statements.
Whole section	It is also noted that an ‘*’ have been added to some of the Breckland comments by the numbers in the 1 st column, but the Statement does not clearly clarify what this stands for.	Clarification of what this stands for is requested.
p324, Comment 3, General - Terminology	The response appears to confuse the terminology used. A <i>Local Plan</i> and <i>Local Development Plan</i> (LDP) are the same item, but its forms part of the <i>Development Plan</i> for a local area. Also, the Council refers to the <i>Local Development Scheme</i> (LDS) in comment 19 (not LDP) and LPD is used nowhere else in the Plan.	Accuracy

p324, Comment 5, General - Terminology	Any reference to the NPPF 'dictating' is not appropriate as the 'Basic Conditions' only require a Plan to have 'regard to' the Framework. The used of the word 'dictate' has also been incorrectly used in relation to the NP regulations in para 2.3 & 2.5, as well as Local Plan policy in para 3.6.5.	
p327, Comment 11 - General - proofing	In response to the issue of General proofing it states: "for example, the "error" noted on page 10, does not exist: the wording there is actually "... <i>in connection with the proposal for the Plan...</i> ". This response is inconsistent as although this response states that the example was incorrect, the amendment suggested was made. e.g. it changed from: " <i>with the proposal for-the Plan</i> " to " <i>with the proposals in the Plan</i> ". N.B. It is not accurate to make reference to a single 'reviewer' when the Council has previously advised that their comments are made by a number of professionals at Breckland Council.	Accuracy and consistency - The statement should have been amended to acknowledge that the statement is correct as the amendment was made.
p329, Comment 16 - p11	The Consultation Statement response does not reflect the actual changes made in the Plan; it only makes reference to: " <i>initial, informal consultation</i> " and excludes specific reference to " <i>parishioners, businesses and organisations</i> ".	Accuracy - The Statement should accurately record what will be changed in the Plan.
p329, Comment 17 - p13, Figure 8	The response was to provide a" Explanatory <i>note added</i> ", but this appears to be missing from the Plan. Also, the response does not state what or where it will be added.	Clarity - The Statement should accurately record where and what will be changed in the Plan.
p330, Comment 26 - p23, para 5.3	b) What has been proposed as not been used in the Plan e.g. it states " <i>Satisfy the Local Plan minimum growth target and set an additional level of development via site allocation</i> ", where the latter has been amended to: " <i>Satisfy the Local Plan minimum growth target and provide certainty for future sustainable development, through the inclusion of site allocations</i> "(difference in bold).	Consistency - Either the Plan or Consultation Statement need to be amended, so they are consistent with one another.
p331, Comment 29 - p23, Footnote 2	The response does not clarify that the text in Footnote 2 will be amended or how.	Clarity - The Statement should accurately indicate what will be changed in the Plan.
p333, Comment 32 - p25, Policy 1, P1.4 #	The response regarding Local Plan policy INF 02 is a statement e.g. " <i>range of caveats that will hinder the provision of additional infrastructure in small rural villages such as Saham Toney</i> " and it fails to clarify how it will 'hinder' this.	
p335, Comment 37 - p32, Policy 2A #	The response " <i>It would be completely illogical and unjustified to further raise the minimum housing target to 70</i> " does not make sense. As aside from this policy already making reference to 70 units, national guidance makes reference to housing figures being a minimum number. Also, this approach is not consistent with the text in the Basic	

	Conditions statement which makes reference to the housing numbers being a 'minimum figure' on a number of occasions.	
p335, Comment 38 - p32, Policy 2A, P2A.1 #	In response to concerns about phasing, it includes " <i>(e) Local Plan allocation policies themselves mention phasing of development</i> ". This fails to acknowledge the different roles Local Plans and Neighbourhood Plans take in relation to this issue.	Para 73, NPPF.
p339, Comment 50 - p39, P2D.1 #	These responses are inaccurate as the required policy approach has been misunderstood. The first part of the response should be referring to para 5.17 of the Housing Allocation policy, which indicates when the 'local area criteria' applies and not a 'planning agreement', and para 3.4 outlines the actual 'local area criteria'. In the second part, the highest tier (criteria a) was deliberately omitted as it applied to the whole of the district, and therefore this does not apply to the Neighbourhood Plan.	Accuracy
p343, Comment 65 - p47, Policy 2F, P2F.2	This responsive misinterprets the comment being made. It was making reference to the policy approach taken towards ' <i>Landscape and Visual Appraisal</i> ' (in another section) that had been amended to take a more proportionate approach, as an example of how the same approach could apply to all sites concerning ' <i>ecological appraisals</i> '.	
p345, Comment 74 - p56-59, Policy Maps & Legends, 2G.1 & 2	We disagree with the explanation provided regarding errors in the printed Plan. There is nothing in the regulations that determine which is the 'master' copy. Also, this was a general request that a member of the Working Group questioned, so the request was also made as an 'reasonable adjustment' under the 2010 Equalities Act. Subsequently, errors were found within the Reg.16 version after it was 'submitted' to the Council. The Plan was amended and added to the Neighbourhood Plan website, without the Council being advised this has been done. This meant that two different online versions of the Neighbourhood Plan were made available for at least four weeks during the public consultation. When Breckland Council discovered this had occurred, it advised that the 'amended' version be removed as this was not the version that had been submitted, which was done. Fortunately, the errors amended are not considered to materially affect the content of the Plan and can be amended before the Referendum as 'minor errors' in the Plan.	
p346, Comment 76 - All site allocation policies (2H-2P) #	The Council is not aware of any 'agreement' made in the meeting referred to.	

p354, Comment 103 - p99 Policy 3B #	Not clear why reference to NPPF para 73 has been referred to as this does not deal with density. Also, the Council is not aware of any 'agreement' made in the meeting referred to.	
p356, Comment 110 - p105, Policy 3D, P3D.1	This response indicates that this has been amended, but no change was found in the Plan.	
p359, Comment 127 - p129, P7A.3	It is not clear why this response seems to dismiss the issue but does amend the Plan. Also it is not consistent with what has been presented in the Glossary, which indicates that ' <i>landscape sensitivity</i> ' and ' <i>visual sensitivity</i> ' refer to two different matters.	
p360, Comment 134 - p138-147, Photographs and Maps	The confusion suggested in the response is not accurate; the issue is about taking a consistent approach towards presentation e.g. all other titles in the Plan for the various images (map, figure, table or chart) are at the bottom, rather than top.	Consistency Move the titles for the Photographs and Maps underneath these images.
p360, Comment 135 - p139-147, Maps	It is not clear why reference to 'Plan length' has been mentioned when this wasn't the subject of the comment.	
p365, Comment 152 - p170-189, Policy 8A-9	While it is noted that comments have come from the County and Anglian water regarding the technical approach taken, this does not mean that they are appropriate land use policies. The Council also advised that a technical appendix was provided instead.	
p447/8	APPENDIX D3. Late Response to the Strategic Environmental Assessment Report by Breckland Council & APPENDIX D4. Late Response to the Habitats Regulations Assessment Report by Breckland Council. Both these headings are inaccurate see comment above re p77	